

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KEVIN TERRENCE DAVIS

PLAINTIFF

v.

NO. 4:08CV85-A-D

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated December 3, 2008, and the December 11, 2008, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED:**

1. The Report and Recommendation of the United States Magistrate Judge dated December 3, 2008, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. The plaintiff's claims against defendants Randle, Simmons, Moore, and Foster for failure to protect him from assault are hereby **DISMISSED** with prejudice.

3. The plaintiff's claims against defendants Epps, Sparkman, Kelly, Morris, and Noel are also hereby **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted.

4. The plaintiff's claims against officer O'Banner for threats and rudeness are hereby **DISMISSED** for failure to state a claim upon which relief could be granted.

5. Finally, the plaintiff's claims against Drs. Trinca, Santos, Leham, and Nurse Willoughby for denial of adequate medical care shall **PROCEED**.

THIS, the 17th day of February, 2009.

/s/ Sharion Aycock
U. S. DISTRICT JUDGE